

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC.,

Plaintiff,

V.

J.T. POSEY COMPANY,

Defendant.

AND RELATED COUNTERCLAIM.

Civil Action No. 05-10917 PBS

DESIGNATION OF DEPOSITIONS

J.T. POSEY COMPANY, INC.'S
DESIGNATION OF DEPOSITION TESTIMONY

Defendant and counterclaimant J.T. Posey Company, Inc. hereby designate the following portions of the following depositions to be read at trial:

Deposition of Tim Sturkie, taken December 7, 2005, 2005:

Pg: 6 Ln: 8 – 10

Pg: 6 Ln: 17 – 21

Pg: 7 Ln: 23 - Pg: 8 Ln: 2

Pg: 11 Ln: 7 – 17

Pg: 11 Ln: 22 - Pg: 12 Ln: 3

Pg: 13 Ln: 4 – 9

Pg: 13 Ln: 13 – 18

Pg: 13 Ln: 23 – 25

Pg: 14 Ln: 2

Pg: 14 Ln: 25 - Pg: 15 Ln: 10

Pg: 15 Ln: 13 - Pg: 16 Ln: 1

Pg: 16 Ln: 15 - 24 Pg: 17 Ln: 4 - 15

Pg: 17 Ln: 16 - 18

Pg: 18 Ln: 1 - 10

Pg: 19 Ln: 5 - 8

Pg: 19 Ln: 12 - 19

Pg: 19 Ln: 21 - Pg: 20 Ln: 16

Pg: 21 Ln: 5 - 10

Pg: 22 Ln: 3 - 5

Pg: 22 Ln: 13 - Pg: 23 Ln: 3

Pg: 23 Ln: 5 - 21

Pg: 27 Ln: 9 - 13

Pg: 28 Ln: 1 - 23

Pg: 28 Ln: 25 - Pg: 29 Ln: 11

Pg: 30 Ln: 4 - 11

Pg: 30 Ln: 24 - Pg: 31 Ln: 8

Pg: 31 Ln: 9 - Pg: 32 Ln: 4

Pg: 32 Ln: 5 - 16

Pg: 32 Ln: 17 - 22

Pg: 33 Ln: 4 - 15

Pg: 33 Ln: 21 - 25

Pg: 34 Ln: 3 – 13

Pg: 35 Ln: 5 – 8

Pg: 35 Ln: 11 – 15

Pg: 35 Ln: 17 – 23

Pg: 36 Ln: 6 - Pg: 37 Ln: 20

Pg: 39 Ln: 11 - Pg: 40 Ln: 8

Pg: 40 Ln: 21 - Pg: 41 Ln: 12

Pg: 42 Ln: 5 – 11

Pg: 42 Ln: 24 - Pg: 43 Ln: 12

Pg: 43 Ln: 17 - Pg: 44 Ln: 11

Pg: 44 Ln: 14 – 21

Pg: 45 Ln: 4 – 7

Pg: 45 Ln: 13 – 21

Pg: 46 Ln: 1 - Pg: 47 Ln: 8

Pg: 47 Ln: 9 – 21

Pg: 48 Ln: 1 – 14

Pg: 49 Ln: 7 – 9

Pg: 49 Ln: 18 – 23

Pg: 51 Ln: 11 – 19

Pg: 52 Ln: 17 - Pg: 53 Ln: 5

Pg: 53 Ln: 8 - Pg: 54 Ln: 3

Pg: 54 Ln: 5 – 10

Pg: 54 Ln: 12 – 14

Pg: 54 Ln: 16

Pg: 55 Ln: 8 – 15

Pg: 55 Ln: 16 – 24

Pg: 56 Ln: 1 – 8

Pg: 59 Ln: 4 – 10

Pg: 61 Ln: 8 – 16

Pg: 62 Ln: 6 – 25

Pg: 63 Ln: 2

Pg: 64 Ln: 1 – 13

Pg: 64 Ln: 23 - Pg: 66 Ln: 9

Pg: 66 Ln: 11 – 15

Pg: 66 Ln: 17 - Pg: 67 Ln: 15

Pg: 67 Ln: 22 - Pg: 68 Ln: 13

Pg: 68 Ln: 18 – 24

Pg: 68 Ln: 25 - Pg: 69 Ln: 4

Pg: 69 Ln: 6 – 10

Pg: 76 Ln: 2 – 6

Pg: 76 Ln: 12 – 18

Pg: 84 Ln: 6 – 13

Pg: 85 Ln: 16 - Pg: 86 Ln: 11

Pg: 87 Ln: 13 – 19

Pg: 87 Ln: 20 - Pg: 88 Ln: 15

Pg: 89 Ln: 1 – 11

Pg: 89 Ln: 19 – 25

Pg: 95 Ln: 15 - Pg: 96 Ln: 12

Pg: 100 Ln: 14 – 18

Pg: 103 Ln: 8 - Pg: 104 Ln: 5

Pg: 106 Ln: 24 - Pg: 107 Ln: 3

Pg: 109 Ln: 8 – 11

Deposition of Vernon Armstrong, taken December 29, 2005:

Pg: 4 Ln: 11 – 12

Pg: 5 Ln: 2 – 15

Pg: 5 Ln: 16 – 19

Pg: 5 Ln: 23 – 24

Pg: 6 Ln: 3 – 8

Pg: 7 Ln: 7 – 9

Pg: 8 Ln: 14 - Pg: 9 Ln: 15

Pg: 9 Ln: 23 - Pg: 10 Ln: 3

From the Confidential Transcript:

Pg: 4 Ln: 7 – 20

Pg: 12 Ln: 3 – 17

Pg: 12 Ln: 24 - Pg: 13 Ln: 1

Pg: 13 Ln: 2 – 20

Pg: 13 Ln: 21 - Pg: 14 Ln: 10

Pg: 14 Ln: 11 - Pg: 15 Ln: 24

Pg: 15 Ln: 25 - Pg: 16 Ln: 4

Pg: 16 Ln: 12 – 18

Pg: 16 Ln: 19 – 25

Pg: 17 Ln: 7 – 17

Pg: 17 Ln: 18 - Pg: 18 Ln: 11

Pg: 18 Ln: 12 – 20

Pg: 18 Ln: 21 - Pg: 19 Ln: 2

Pg: 19 Ln: 3 – 7

Pg: 20 Ln: 4 – 7

Pg: 21 Ln: 5

Pg: 21 Ln: 6 - Pg: 22 Ln: 3

Pg: 22 Ln: 4 – 9

Pg: 22 Ln: 10 – 25

Pg: 23 Ln: 1 – 8

Pg: 23 Ln: 17 – 18

Pg: 23 Ln: 22 - Pg: 24 Ln: 9

Pg: 24 Ln: 19 – 24

Pg: 26 Ln: 1 – 7

Pg: 26 Ln: 8 – 14

Pg: 26 Ln: 19 - Pg: 27 Ln: 1

Pg: 27 Ln: 21 - Pg: 28 Ln: 10

Pg: 28 Ln: 11 – 15

Pg: 28 Ln: 18 - Pg: 29 Ln: 1

Pg: 29 Ln: 10 – 19

Pg: 30 Ln: 5 – 14

Pg: 31 Ln: 5 – 14

Pg: 31 Ln: 25 - Pg: 32 Ln: 9

Pg: 32 Ln: 19 - Pg: 33 Ln: 3

Pg: 33 Ln: 13 – 22

Pg: 38 Ln: 1 – 2

Pg: 38 Ln: 4 – 6

Pg: 42 Ln: 17 – 25

Deposition of Jeffery B. Burl, M.D., taken August 25, 2005:

Pg: 4 Ln: 9 - Pg: 5 Ln: 6

Pg: 7 Ln: 12 - Pg: 9 Ln: 17

Pg: 9 Ln: 24 - Pg: 10 Ln: 8

Pg: 10 Ln: 12 – 22

Pg: 10 Ln: 23 - Pg: 11 Ln: 22

Pg: 12 Ln: 2 – 7

Pg: 12 Ln: 8 – 14

Pg: 12 Ln: 19 – 23

Pg: 13 Ln: 8 – 17

Pg: 13 Ln: 18 – 24

Pg: 14 Ln: 1 – 10

Pg: 14 Ln: 11 – 14

Pg: 16 Ln: 14 - Pg: 17 Ln: 1

Pg: 19 Ln: 3 – 24

Pg: 20 Ln: 8 – 21

Pg: 20 Ln: 22 - Pg: 21 Ln: 3

Pg: 21 Ln: 4 – 15

Pg: 22 Ln: 16 – 19

Pg: 24 Ln: 20 - Pg: 25 Ln: 6

Pg: 25 Ln: 7 – 17

Pg: 25 Ln: 18 - Pg: 26 Ln: 1

Pg: 26 Ln: 2 – 17

Pg: 26 Ln: 18 – 20

Dated: May 15, 2007

J.T. POSEY COMPANY

By its attorneys,

/s/ Douglas H. Morseburg

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CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

May 15, 2007

/s/ Donald K. Piper

Donald K. Piper